

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: STEVEN B. POKOTILOV STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038
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PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 364106/0431
International application No. PCT/US 08/79706

Date of mailing (day/month/year) 15 DEC 2008
FOR FURTHER ACTION See paragraphs 1 and 4 below
International filing date (day/month/year) 13 October 2008 (13.10.2008)

Applicant **LAB PRODUCTS, INC.**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters, and the WIPO Internet site.

Name and mailing address of the ISA/US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450, Alexandria, Virginia 22313-1450
 Facsimile No. 571-273-3201

Authorized officer:

Marc W. Young
 Marc W. Young

PCT Helpdesk: 671-272-4300
 PCT OSP: 671-272-7774

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 364106/0431	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US 08/79706	International filing date (<i>day/month/year</i>) 13 October 2008 (13.10.2008)	(Earliest) Priority Date (<i>day/month/year</i>) 12 October 2007 (12.10.2007)	
Applicant LAB PRODUCTS, INC.			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (see Box No. II).

3. ☐ Unity of invention is lacking (see Box No. III).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 38
☒ as suggested by the applicant.
☐ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 08/79706

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - A01K 7/00 (2008.04)

USPC - 119/72

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

USPC: 119/72

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
USPC: 119/72, 72.5, 456; 222/92, 93, 96; search terms belowElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)
PubWest (PGPB,USPT,USOC,EPAB,JPAB); Google Scholar; Google Patents; fluid, water, adapter, delivery, animal, feeder, cage, hinge, collapse, side portion, wall, etc.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 7,222,586 B2 (Gabriel et al.) 29 May 2007 (29.05.2007), abstract, fig 31, 34, col 3, ln 1-20, col 12, ln 48 to col 13, ln 14.	1-15
Y	US 4,099,640 A (Nossfield et al.) 11 July 1978 (11.07.1978), abstract, fig 5, 7.	1-15
A	US 5,324,384 A (Dellrich et al.) 20 July 1999 (20.07.1999), entire document.	1-15

☐ Further documents are listed in the continuation of Box C. ☐

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z" document member of the same patent family

Date of the actual completion of the international search

04 December 2008 (04.12.2008)

Date of mailing of the international search report

15 DEC 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents

P.O. Box 1450, Alexandria, Virginia 22313-1450

Facsimile No. 571-273-3201

Authorized officer:

Joe W. Young

PCT Helpdesk: 571-272-4300

PCT OSP: 611-212-7774

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
STEVEN B. POKOTILOV
STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 15 DEC 2008

Applicant's or agent's file reference
364106/0431

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US 08/79706

International filing date (day/month/year)

13 October 2008 (13.10.2008)

Priority date (day/month/year)

12 October 2007 (12.10.2007)

International Patent Classification (IPC) or both national classification and IPC

IPC(8) - A01K 7/00 (2008.04)

USPC - 119/72

Applicant LAB PRODUCTS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Date of completion of this opinion
04 December 2008 (04.12.2008)

Authorized officer
Lee W. Young

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 08/79706

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(s)).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ on paper
- ☐ in electronic form
- c. time of filing/furnishing
- ☐ contained in the international application as filed
- ☐ filed together with the international application in electronic form
- ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 08/79706

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims	None	NO
Inventive step (IS)	Claims	None	YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	None	NO

2. Citations and explanations:

Claims 1-15 lack an inventive step under PCT Article 33(3) as being obvious over US 7,222,586 B2 to Gabriel et al. (hereinafter 'Gabriel') in view of US 4,099,640 A to Nessfield et al. (hereinafter 'Nessfield').

As to claim 1, Gabriel teaches a fluid delivery system for use with a wire bar lid comprising: a fluid bag (abstract); a fluid delivery valve (abstract; col 3, in 1-20); and a fluid delivery adapter for supporting the fluid bag, the fluid delivery adapter comprising a support base having an aperture defined therein, the aperture being shaped and dimensioned to secure the fluid delivery valve (col 3, in 33-41; col 12, in 48 to col 13, in 14); the support base being adapted to be disposed on top of the wire bar lid to facilitate providing fluid from a fluid bag supported by the wire bar lid (abstract; col 12, in 48 to col 13, in 14). Gabriel does not explicitly teach the fluid delivery adapter further comprising a side portion displaceable between a first position wherein the aperture is exposed, and a second position wherein the aperture is covered by the side portion. However, Gabriel does teach side portions (col 13, in 15-29; side portions 710; see fig 31; item 710). In addition, Gabriel does teach a front portion (fig. 31: item 708) that based on its configuration can be displaceable between a first position wherein the aperture is exposed, and a second position wherein the aperture is covered by the side portion (fig 31: the hinges on front portion 708 suggest that it is movable between a collapsed position and raised position, see also fig 34, the front portion can be modified to collapse on the aperture covering it). Further, the concept of having walls or side portions that are hinged to a base and collapsible are well known in the art. For example, Nessfield teaches a shipping container with side walls that are hinged to a base and are collapsible (see fig 5, 7). Hence, it would have been obvious to combine the collapsible side wall concept of Nessfield, as it is well known in the art, with the side portions of Gabriel to provide a simple and convenient method of covering the aperture portion to allow for easy and convenient stacking of wire bar lids and fluid delivery adapters.

As to claim 2, Gabriel further teaches wherein the side portion extends away from the support base and provides lateral support for the fluid bag when the side portion is in the first position (col 13, in 15-29).

As to claim 3, Gabriel does not explicitly teach wherein the side portion extends away from the support base and provides lateral support for the fluid bag when the side portion is in the first position, and wherein a plurality of wire bar lids having the fluid delivery adapter is stackable when the side portions are in the second position. However, Gabriel does teach that the side portions can provide support (col 13, in 15-29) and it would have been obvious to one of skill in the art to stack the wire bar lids when the side portions are in the second position for easy and convenient stacking.

As to claim 4, Nessfield further teaches wherein the side portion is pivotable between the first position and the second position (see fig 5, 7). See also Gabriel teaching side portions (col 13, in 15-29).

As to claims 5 and 9, neither Gabriel nor Nessfield explicitly teach wherein the fluid delivery adapter includes a locking mechanism constructed and arranged to maintain the fluid delivery adapter on the wire bar lid. However, Gabriel teaches locking members (col 6, in 32-43) and Nessfield further teaches a lock (col 2, in 3-18). Hence, it would have been obvious to modify Gabriel to further provide a locking mechanism to keep the fluid delivery adapter in place.

As to claims 6 and 10, neither Gabriel nor Nessfield explicitly teach wherein the fluid delivery adapter includes a locking mechanism having a projection constructed and arranged to extend into gaps between wire bars of the wire bar lid, the projection being rotatable between a lock position and an unlock position. However, having a locking mechanism with a projection rotatable between a lock position and an unlock position is well known in the art. For example, Nessfield teaches a locking lever for clamping down containers (col 4, in 61 to col 5, in 6).

As to claim 7, neither Gabriel nor Nessfield explicitly teach wherein the fluid delivery adapters are stackable one on top of the other. However, it would have been obvious to one of skill in the art to stack the fluid delivery adapters for convenience.

(See Supplemental Box)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 08/79706

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
Applicant did not include drawings with the International Application, as submitted. For the purposes of this opinion, drawings submitted with the priority application document were used as reference for interpretation of the claims.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 08/79705

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:
Citations and Explanations:

As to claim 8, Gabriel teaches a fluid delivery adapter system for use with a wire bar lid, the system comprising: a wire bar lid (abstract); a fluid delivery valve comprising an upper member having a piercing member and a connecting member, said upper member having a fluid channel defined therethrough (col 3, in 1-20); a base having a base fluid channel defined therethrough, wherein said base is designed to be mately coupled to said upper member (col 3, in 1-20; see also claim 10); a stem member designed and dimensioned to be disposed in part within said base fluid channel, said stem member having an actuation portion and having a top portion having a lower surface (col 9, in 30-40; see also claim 10); and a sealing member integrally formed with said upper member and disposed in said base fluid channel, said sealing member having a flow aperture and a sealing member bottom surface, said sealing member being designed and dimensioned to facilitate sealing of said flow apertures when said sealing member bottom surface abuts a top surface of said stem member (col 9, in 30-40; col 3, in 1-20; see also claim 10); and a fluid delivery adapter comprising a support base having an aperture defined therein, the aperture being shaped and dimensioned to secure the fluid delivery valve, the support base being adapted to be disposed on top of the wire bar lid to facilitate providing fluid from a fluid bag supported by the wire bar lid (abstract; col 3, in 33-40; see also claim 10). Gabriel does not explicitly teach the adapter also including a displaceable side portion for covering and exposing the aperture of the fluid delivery adapter. However, Gabriel does teach side portions (col 13, in 15-29; side portions 710; see fig 31; item 710). In addition, Gabriel teaches the a front portion (fig. 31: item 708) that can provide for covering and exposing the aperture of the fluid delivery adapter (fig 31: the hinges on front portion 708 suggest that it is movable between a collapsed position and raised position, see also fig 34, the front portion can be modified to collapse on the aperture covering it). Further, the concept of having collapsible side walls are well known in the art. For example, Nessfield teaches a shipping container with side walls that are hinged to a base and are collapsible (see fig 5, 7). Hence, it would have been obvious to combine the collapsible side wall method of Nessfield, as it is well known in the art, with the side portions of Gabriel to provide a simple and convenient method of covering the aperture portion to allow for easy and convenient stacking of wire bar lids.

As to claim 11, Gabriel further teaches wherein the support base is constructed and arranged to prevent an animal in a cage from rupturing the fluid bag (col 12, in 48-58; see also claim 10).

As to claim 12, neither Gabriel nor Nessfield explicitly teach wherein the wire bar lid and fluid delivery adapter combination is stackable. It would have been obvious to one of skill in the art to stack the wire bar lids and fluid delivery adapters for convenience.

As to claim 13, Gabriel teaches a fluid delivery adapter comprising: a support base having an aperture defined therein, the aperture being shaped and dimensioned to secure a fluid delivery valve, wherein the support base is constructed and arranged to be disposed on top of a wire bar lid to facilitate providing fluid from a fluid bag supported by the wire bar lid (abstract; col 3, in 1-20; col 3, in 33-41; col 12, in 48 to col 13, in 14). Gabriel does not explicitly teach one or more side portions for covering and exposing the aperture, the one or more side portions being pivotally connected to the support base. However, Gabriel does teach side portions (col 13, in 15-29; side portions 710; see fig 31; item 710). Further, Gabriel teaches the a front portion (fig. 31: item 708) that would allow for covering and exposing the aperture of the fluid delivery adapter (fig 31: 708 is hinged and can be moved to collapse, see also fig 34, the front portion can be modified to collapse on the aperture covering it). Further, the concept of having collapsible side walls are well known in the art. For example, Nessfield teaches a shipping container with side walls that are hinged to a base and are collapsible (see fig 5, 7). Also, neither Gabriel nor Nessfield explicitly teach wherein the fluid delivery adapter is stackable. However, it would be well known to one of skill in the art to modify Gabriel to stack the fluid delivery adapters for convenience purposes. Hence, it would have been obvious to combine the collapsible side wall method of Nessfield, as it is well known in the art, with the side portions of Gabriel to provide a simple and convenient method of covering the aperture portion to prevent fluid from seeping through the aperture or allow for convenient stacking of wire bar lids and fluid delivery adapters.

As to claim 14, Gabriel teaches a method for delivering a fluid from a fluid bag using a fluid delivery valve for use with a wire bar lid (abstract), the method comprising: providing a fluid bag (abstract); providing a fluid delivery valve (abstract; col 3, in 1-20); providing a fluid delivery adapter on a wire bar lid, the fluid delivery adapter comprising a support base having an aperture defined therein, the aperture being shaped and dimensioned to secure the fluid delivery valve (col 3, in 33-41; col 12, in 48 to col 13, in 14); the support base being adapted to be disposed on top of the wire bar lid and facilitate providing fluid from the fluid bag (abstract; col 12, in 48 to col 13, in 14); the support base being supported by the wire bar lid (abstract; col 12, in 48 to col 13, in 14), placing the fluid bag on the support base; and disposing the fluid delivery valve within the aperture of the adapter (abstract; col 3, in 33-41; col 12, in 48 to col 13, in 14). Gabriel does not explicitly teach the fluid delivery adapter including one or more displaceable side portions, displacing the side portions to extend away from the support base. However, Gabriel does teach side portions (col 13, in 15-29; side portions 710; see fig 31; item 710). Further, Gabriel teaches the a front portion (fig. 31: item 708) and wherein the front portion can be displaceable (fig 31: the hinges on front portion 708 suggest that it is movable between a collapsed position and raised position, see also fig 34, the front portion can be modified to collapse on the aperture covering it). Further, the concept of having collapsible side walls that are collapsible are well known in the art. For example, Nessfield teaches a shipping container with side walls that are hinged to a base and are collapsible (see fig 5, 7). Hence, it would have been obvious to combine the collapsible side wall method of Nessfield, as it is well known in the art, with the side portions of Gabriel to provide a simple and convenient method of covering the aperture portion to prevent fluid from seeping through the aperture or allow for stacking of wire bar lids. Further, neither Gabriel nor Nessfield explicitly teach providing a wire bar lid having a gap between two wire bars; the fluid delivery adapter further including a projection; inserting the projection through the gap between two wire bars; rotating the projection to secure the fluid delivery adapter on the wire bar lid. Gabriel does teach locking members (col 8, in 32-43) and Nessfield further teaches a locking lever for clamping down containers (col 4, in 61 to col 5, in 6). Hence, locking mechanisms are well known in the art and it would have been obvious to provide the gap between the wire bar lids to allow for securing the wire bar lids. Therefore, it would have been obvious to one of skill in the art to the art to want to secure the two wire bar lids with the rotating projection mechanism in order to secure two wire bar lids in a simple method.

(See Supplemental Box)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US 08/79706

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:
Citations and Explanations:

As to claim 15, Gabriel further teaches wherein the aperture is shaped and dimensioned to maintain the fluid delivery valve in position via a friction fit, the fluid delivery adapter further comprising an annular holder piece positioned at the aperture, the holder piece constructed and arranged to maintain the fluid delivery valve in position via a friction fit (col 13, ln 30-38; col 12, ln 48-61; see also claim 24).

Claims 1-15 have industrial applicability as defined by PCT Article 39(4) because the subject matter can be made or used in industry.